

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CESAR ROVIRA, et al.,  
Plaintiffs,

v.

TAYLOR FARMS CALIFORNIA, INC.,  
Defendant.

Case No. 17-CV-06897-LHK

**ORDER GRANTING MOTION TO  
DISMISS WITH LEAVE TO AMEND**

Re: Dkt. No. 15

On October 31, 2017, Plaintiffs Cesar Rovira, Marco Rovira, Anival Lira, and Jorge Zapeda (collectively, “Plaintiffs”), who are represented by counsel, filed a complaint against Defendant Taylor Farms California, Inc. (“Defendant”) in the Superior Court of the County of Monterey. ECF No. 1-1 at 4–12. On December 1, 2017, Defendant removed the case to this Court. ECF No. 1.

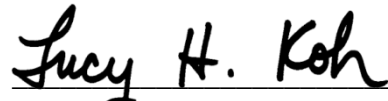
On January 19, 2018, Defendant moved to dismiss Plaintiffs’ complaint. ECF No. 15. Plaintiffs’ response to Defendant’s motion to dismiss was due on February 2, 2018. *See id.* Almost two months have now passed since the February 2, 2018 deadline, and Plaintiffs have not opposed or otherwise responded to Defendant’s motion to dismiss. Thus, the Court GRANTS with leave to amend Defendant’s motion to dismiss. Should Plaintiffs elect to file an amended

1 complaint curing the deficiencies identified in Defendant's motion to dismiss, Plaintiff shall do so  
2 within twenty-one days of this Order. Failure to meet this twenty-one-day deadline or failure to  
3 cure the identified deficiencies will result in a dismissal of this action with prejudice. Plaintiff  
4 may not add new causes of actions or parties without leave of the Court or stipulation of the  
5 parties pursuant to Federal Rule of Civil Procedure 15.

6 The April 19, 2018 hearing on Defendant's motion to dismiss is hereby VACATED.

7 **IT IS SO ORDERED.**

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9 Dated: March 29, 2018

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11 LUCY H. KOH  
12 United States District Judge  
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